

REMARKS

I. Introduction

Claims 20-36 are pending in the current application. In the Office Action dated Oct. 24, 2007, the Examiner rejected claims 29-32 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Further, claims 20-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,430,604 ("Ogle") in view of U.S. Pat. No. 5,742,905 ("Pepe"). In this Amendment, claims 29-31 have been amended. Applicant respectfully request reconsideration in light of the amendments to the claims and the following remarks.

II. Rejections Under 35 U.S.C. §101

Claims 29-32 were rejected as being directed to non-statutory subject matter. Claims 29-31 have been amended to address the rejection under 35 U.S.C. §101. Reconsideration is respectfully requested.

III. The Proposed Combinations Do Not Render the Independent Claims Unpatentable

Each of the independent claims recites sending a message within a telephone call indicating an online status of a member of a group associated with a user. The proposed combination of Ogle and Pepe as contemplated by the Examiner does not disclose at least this element.

The Examiner has admitted that Ogle fails to disclose a telephone call. Accordingly, Ogle necessary fails to teach sending a message within a telephone call indicating an online status of a member of a group associated with a user. In an effort to cure the deficiency Pepe was cited. However, the portions of Pepe cited by the Examiner also fail to teach this element.

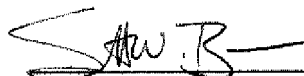
In the Office Action, Col. 3, lines 48-51 of Pepe were cited. Col. 3, lines 48-51 of Pepe teach that a network may be used as an interface between various wireless and wireline networks. In Col. 3, lines 48-51 of Pepe there is no mention of providing information within a telephone call such as a message indicating an online status of a

member of a group associated with a user. For at least this reason, the proposed combination of Ogle and Pepe as contemplated by the Examiner necessarily does not render independent claims 20, 25, 29 and 33, or any claim that depends on claim 20, 25, 29, and 33, unpatentable.

IV. Conclusion

In view of the foregoing amendments to the claims, Applicant submits that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott W. Brim", is written over a horizontal line.

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